

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Duane Zielke
DOCKET NO.: 05-00573.001-R-1
PARCEL NO.: 16-05-20-100-033

The parties of record before the Property Tax Appeal Board are Duane Zielke, the appellant; and the Will County Board of Review.

The subject property consists of a 3.441-acre parcel improved with a 2,283 square foot pole barn, a 2,172 square foot block barn with a 1,090 square foot metal barn addition, a silo and a 1,136 square foot detached garage.

The appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject's land only with an effective date of June 13, 2005. Even though the report valued only the subject's land, the appraiser included numerous photographs of the exteriors and interiors of the subject's improvements. The appraiser used only the sales comparison approach in estimating a value for the subject's land of \$112,000. The appraisal indicated in several places that the subject contains 3.2 acres. The report indicated the appraisal assignment appeared to be for the purpose of valuing vacant land for mortgage lending purposes. The appraiser examined three comparables that were located 1.99 to 4.47 miles from the subject. The comparables range in size from 2.02 to 6.00+ acres and were reported to have sold between February and December 2004 for prices ranging from \$38,500 to \$202,000 or from \$6,417 to \$98,161 per acre. The appraiser adjusted the comparables for such factors as site or view, availability of utilities and size. After adjustments, the comparables had adjusted sales prices ranging from \$68,500 to \$191,500 or from \$11,417 to \$94,802 per acre. The appellant also submitted copies of several newspaper articles that discussed a proposed extension of Interstate 355 in the subject's vicinity. Based on this evidence, the appellant requested the subject's total assessment

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Will County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	35,731
IMPR.:	\$	9,014
TOTAL:	\$	44,745

Subject only to the State multiplier as applicable.

be reduced to \$37,340, its land assessment be reduced to \$29,340 and its improvement assessment be reduced to \$8,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$44,745 was disclosed. The subject has an estimated market value of \$134,571, as reflected by its assessment and Will County's 2005 three-year median level of assessments of 33.25%.

In support of the subject's assessment, the board of review submitted photographs of the subject, including the improvements, as well as the subject's property record card. The board of review also submitted a letter prepared by the township assessor, as well as a list of nine land sales supported by copies of Real Estate Transfer Declarations.

In her letter, the township assessor claimed the appellant's appraiser used the wrong land area for the subject when he claimed it contained 3.2 acres. The subject's property record card indicates the subject contains 3.441 acres. The assessor pointed out that using the appraiser's estimate of the subject's land value at \$35,000 per acre would result in a revised value estimate for the land only of \$120,435, based on 3.441 acres, exclusive of improvements. The assessor's letter also stated the appraiser's comparable 3 is a narrow parcel adjacent to a railroad line, that a large portion of the comparable is in a flood plain and that the sale was not advertised. The board of review submitted as its Exhibit C, a copy of comparable 3's Real Estate Transfer Declaration, which indeed indicates the property was not advertised for sale nor sold through a realtor. The assessor's letter also claimed the appraiser failed to disclose that his comparable 2, which he reported to have sold in December 2004 for \$202,000, actually sold in February 2005, as indicated on a Real Estate Transfer Declaration submitted by the board of review in its Exhibit D. This property sold again one month later in March 2005 for \$265,100. This second sale was not acknowledged by the appellant's appraiser. This comparable also has a house on the property.

The list of nine land sales described properties ranging in size from 2.00 to 5.00 acres that sold between February 2003 and February 2005 for prices ranging from \$140,000 to \$450,000 or from \$33,100 to \$111,524 per acre. The assessor further asserted that the appellant requested a reduction also in the subject's improvement assessment, but failed to submit any evidence to support this contention. Finally, the assessor observed that the newspaper articles submitted by the appellant that discussed a nearby road closing, made clear the closing did not occur until 2006, well after the subject's January 1, 2005 assessment date.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted. The appellant argued overvaluation as a basis of the appeal. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). After analyzing the market evidence submitted, the Board finds the appellant has failed to overcome this burden.

The Board finds the appellant's petition requested reductions in both the subject's land and improvement assessments, but the appellant submitted an appraisal of the subject's land only. Therefore, the Board finds the appellant submitted no evidence to support a reduction in the subject's improvement assessment and that no reduction is warranted on that basis.

Regarding the land-only appraisal, the Board finds the appellant's appraiser reported that the subject parcel contains 3.2 acres. The subject's property record card, submitted by the board of review, indicated the subject contains 3.441 acres. The Property Tax Appeal Board finds the property record card provides the best evidence of the subject's size and therefore, that the subject contains 3.441 acres. The appraiser also failed to note that his comparable 3 was not advertised for sale and thus may not have been an arms-length transaction, nor that his comparable 2 sold not only in February 2005 for \$202,000, but that it sold again one month later for \$265,100, as noted by the board of review. The appraiser's analysis failed to consider the impact of this second sale on his estimate of the subject's market value. For these reasons, the Board gave little weight to the value conclusion in the appellant's appraisal.

The board of review's evidence included a letter prepared by the township assessor. The assessor noted the appellant's appraiser estimated the subject's land value at \$35,000 per acre, and that applying this land value estimate to the subject parcel's correct size of 3.441 acres, would indicate a value for the subject of \$120,435, not including improvements. The board of review's evidence also included a list of nine land sales that were similar in size when compared to the subject. These properties sold for prices ranging from \$33,100 to \$111,524 per acre. The Property Tax Appeal Board notes the subject's land assessment of \$35,731, as reflected by Will County's 2005 three-year median level of assessments of 33.25%, indicates an estimated land value for the subject of \$107,462, or \$31,230 per acre, which is below all the board of review's land sales and also below the appellant's own appraiser's estimate of the subject's land value

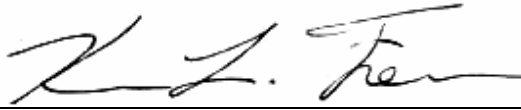
of \$35,000 per acre. The Board finds the appellant submitted no evidence in support of his requested reduction in the subject's improvement assessment. The Board further finds that while the appellant submitted several newspaper articles that discussed a road closure due to extension of Interstate 355, the appellant submitted no evidence that this announced closure had a negative impact on the subject's market value. Also, the closure did not occur until 2006, long after the subject's January 1, 2005 assessment date. Based on the foregoing analysis, the Property Tax Appeal Board finds the evidence in the record supports the subject's assessment.

In conclusion, the Board finds the appellant has failed to demonstrate overvaluation by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is correct and no reduction is warranted.


This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: August 14, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.